IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1285 (S/S)06

Rajesh Kumar Srivastava
S/o late Shyam Lal Srivastava,
R/o Arya Nagar, Jwalapur,
District Haridwar. ----Petitioner.

Vs.

1. State of Uttarakhand through Secretary,
   Cooperative Societies, Uttarakhand, Dehradun,
2. Addl. Director (Admin) Cooperative Societies,
   Uttarakhand, Dehradun,
3. Addl. Registrar Cooperative Societies,
   Uttarakhand, Dehradun. ----Respondent.

Sri Lok Pal Singh, learned counsel for the petitioner.
Sri N.P. Sah, learned Standing Counsel for the State/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Tapan Singh, Adv. holding brief of Sri Lok Pal, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for the State/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

a. Issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the promotion of the petitioner for the post of Assistant Development Officer (Cooperative),

b. Issue any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case, be passed in favour of the petitioner,

c. Cost of the petition be awarded in favour of the petitioner.

Stand of the petitioner is that he was appointed as Supervisor with the Cooperative Department in the year 1986. In the month of October 2000 a final seniority list was published by the respondents for the cadre of Cooperative Supervisor. The petitioner was placed at Sl. No. 120 in the final seniority list above the persons, namely Sarv Sri Ashok Kumar Gupta, Gaje Singh Kandari, Darban Singh, Girish Chandra, Jai Singh Rana, Madan Mohan Joshi, Sabar Singh Negi, Khim Singh, Suman Dutt Sharma, Mahendra Singh Bisht, Dhan Singh Kunjwal, Nand Kishore Garhwal, Shyama Kumar, Ayodhya Prasad, Balbir Singh, Ram Kishore Suman, Roop Singh, Panna Lal and Viresh Kumar.

It is alleged by the petitioner that the above persons, whose names have been mentioned by the petitioner in para-6 of the amended application though have been promoted in the year 2003-04 on the post of Assistant Development Officer (Cooperative), however the petitioner with a single adverse remark for the year 1998-99 has been deprived of the same benefit, It is contended that against the adverse entry, the petitioner had already preferred representation on 28th May 2000 before the Addl. Registrar Cooperative Societies Almora.

It is submitted that a number of times, the petitioner has moved reminders requesting the respondent to take decision on the representation, which he had moved against adverse remark awarded to him for the year 1998-99, but till date no action has been taken by Addl. Registrar Cooperative Societies, Almora and the petitioner is not being provided promotion on

the post of Assistant Development Officer (Cooperative) on account of the adverse entry awarded to him for the year 1998-99.

In these circumstances, I direct the Addl. Registrar Cooperative Societies, Almora/respondent no. 3 to take decision on the representation of the petitioner dated 28th May 2000 within a period of six weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 14, 2007:
NCM: